

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
USHA CONDE,

Plaintiff,

v.

MID HUDSON REGIONAL HOSPITAL
MEDICAL CENTER and
JORDY RABINOWITZ,
Defendants.
-----X

ORDER

22 CV 3085 (VB)

Copies Mailed/Faxed 11-9-22
Chambers of Vincent L. Briccetti *JB*

On October 26, 2022, the Court ordered plaintiff to notify the Court via letter, by November 4, 2022, whether she (i) intends to file an amended complaint in response to defendants' motion to dismiss, or (ii) will rely on the complaint that is the subject of the motion to dismiss. (Doc. #18).

On November 4, 2022, the Court received plaintiff's request to extend this deadline to January 4, 2023. (Doc. #19).

Plaintiff does not need an additional two months simply to decide whether to file an amended complaint to address the purported deficiencies made apparent by the fully briefed arguments in defendants' motion. However, in view of plaintiff's pro se status, the Court will extend plaintiff's deadline by an additional thirty days.

Accordingly, it is hereby ORDERED that, by no later than December 5, 2022, plaintiff must notify the Court by letter whether she (i) intends to file an amended complaint in response to the motion to dismiss, or (ii) will rely on the complaint that is the subject of the motion to dismiss.

If plaintiff elects not to file an amended complaint, the motion will proceed in the regular course, and the Court is unlikely to grant plaintiff a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendants' motion. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility"); accord F5 Cap. v. Pappas, 856 F.3d 61, 89–90 (2d Cir. 2017). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

If plaintiff elects to file an amended complaint, she must file the amended complaint by no later than 14 days after notifying the Court of her intent to do so. Within 21 days of such amendment, defendants may either: (i) file an answer to the amended complaint; (ii) file a motion to dismiss the amended complaint; or (iii) notify the Court by letter that they are relying on the initially filed motion to dismiss.

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

Dated: November 9, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge